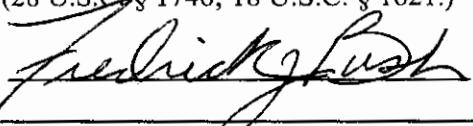


**Affidavit to Accompany**  
**Motion for Leave to Appeal in Forma Pauperis**  
 2006 SEP -1 P 2:06

District Court No. 04-12122-JLT  
 Appeal No. 05-2260

FILED IN CLERK'S OFFICE  
 US COURT OF APPEALS  
 FOR THE FIRST CIRCUIT

v.

<b>Affidavit in Support of Motion</b>	<b>Instructions</b>
I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct.(28 U.S.C. § 1746; 18 U.S.C. § 1621.)	Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.
Signed: 	Date: <u>8-8-06</u>

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months	Amount expected next month
Employment	\$ <u>0</u>	You <u>0</u> Spouse <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>

**DOCKETED**

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Child support	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Unemployment payments	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Other (specify): _____	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>
Total Monthly income:	\$ <u>0</u>	\$ <u> </u>	\$ <u>0</u>	\$ <u> </u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>Laconia Savings Bank</u>	<u>Savings</u>	\$ <u>500.00</u>	\$ <u>N/A</u>
		\$ <u>          </u>	\$ <u>          </u>
		\$ <u>          </u>	\$ <u>          </u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>N/A</u>	<u>          </u>	<u>          </u>	<u>          </u>	Make & year: <u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	Model: <u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	Registration#: <u>          </u>	<u>          </u>
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>N/A</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Model: <u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Registration#: <u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>None</u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>N/A</u>
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>0</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>0</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ _____
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ <u>0</u>	\$ _____
Installment payments	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card (name): _____	\$ <u>0</u>	\$ _____
Department store (name): _____	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____

Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>  </u>
Other (specify): _____	\$ <u>0</u>	\$ <u>  </u>
<b>Total monthly expenses:</b>	\$ <u>0</u>	\$ <u>  </u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney ~~any~~ money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \$ \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the address of your legal residence.

26 Long Pond Rd  
Plymouth, MASS., 02366

Your daytime phone number: ( ) None

Your age: 49 Your years of schooling: 12



# Plymouth County Correctional Facility

Account #: 20903

Account Name: BUSH, FREDERICK JOHN

Account Type: I INMATE CANTEEN ACCOUNTS

SSN: 029-46-3088 Indigent: No

## Account History Report

Post. Date	Post. Time	Type	Trans. #	Ref. #	From/To	Amount	Balance	Booking #	Batch ID
2006/08/28	13:39	CNTN	1833182	99286	OID:100191149-Comisar yPurch-Re	-\$22.90	\$137.53	318072	Purch20060828133702
2006/08/21	14:12	CNTN	1829650	98867	OID:100190613-Comisar yPurch-Re	-\$31.35	\$160.43	318072	Purch20060821141041
2006/08/14	13:13	CNTN	1825823	98250	OID:100189130-Comisar yPurch-Re	-\$48.53	\$191.78	318072	Purch20060814131205
2006/08/07	14:16	CNTN	1822200	97707	OID:100188050-Comisar yPurch-Re	-\$59.95	\$240.31	318072	Purch20060807141419
2006/08/07	07:29	DPMO	1821469	52489928	CINDY BUSH	\$300.00	\$300.26	318072	2MAIL8/3/06
2006/07/17	12:40	CNTN	1811595	96049	OID:100184595-Comisar yPurch-Re	-\$10.00	\$0.26	318072	Purch20060717123823
2006/07/10	12:31	CNTN	1808081	95522	OID:100183563-Comisar yPurch-Re	-\$40.65	\$10.26	318072	Purch20060710123027
2006/07/03	09:29	CNTN	1804320	95006	OID:100182514-Comisar yPurch-Re	-\$50.65	\$50.91	318072	Purch20060703092812
2006/06/26	13:58	CNTN	1801100	94504	OID:100181681-Comisar yPurch-Re	-\$59.70	\$101.56	318072	Purch20060626135536
2006/06/21	10:05	DPMO	1799800	310685	SHERRI FRITZ	\$20.00	\$161.26	318072	MAIL6/21/06
2006/06/19	10:32	CNTN	1797332	94046	OID:100180945-Comisar yPurch-Re	-\$59.23	\$141.26	318072	Purch20060619102838
2006/06/13	11:20	DPMO	1796066	52489886	CINDY BUSH	\$200.00	\$200.49	318072	2MAIL6/13/06
2006/06/05	12:48	CNTN	1790317	92968	OID:100178841-Comisar yPurch-Re	-\$19.70	\$0.49	318072	Purch20060605124735
2006/05/22	13:31	CNTN	1783396	91760	OID:100175916-Comisar yPurch-Re	-\$33.55	\$20.19	318072	Purch20060522133041
2006/05/15	12:51	CNTN	1779827	91336	OID:100175381-Comisar yPurch-Re	-\$35.40	\$53.74	318072	Purch20060515124931
2006/05/08	14:01	WDCA	1778110		Mail to Atty. Bill Adams	-\$4.05	\$89.14	318072	POST5/8/06
2006/05/08	12:42	CNTN	1776146	90825	OID:100174572-Comisar yPurch-Re	-\$48.66	\$93.19	318072	Purch20060508124026
2006/05/05	10:03	CNTN	1775269	90303	OID:100172743-Comisar yRefund-R	\$1.20	\$141.85	318072	Purch20060505100252
2006/05/01	12:36	CNTN	1772660	90142	OID:100172743-Comisar yPurch-Re	-\$59.35	\$140.65	318072	Purch20060501123451
2006/04/25	10:11	DPMO	1771296	52489838	CINDY BUSH	\$200.00	\$200.00	318072	2MAIL4/25/06
2006/04/24	12:26	CNTN	1769225	89699	OID:100172173-Comisar yPurch-Re	-\$5.21	\$0.00	318072	Purch20060424122548
2006/04/18	09:27	CNTN	1765584	89104	OID:100170725-Comisar yPurch-Re	-\$43.04	\$5.21	318072	Purch20060418092614
2006/04/10	13:44	CNTN	1762263	88584	OID:100169752-Comisar yPurch-Re	-\$47.02	\$48.25	318072	Purch20060410134316
2006/04/07	09:12	CNTN	1761246	88187	OID:100168513-Comisar yRefund-R	\$1.85	\$95.27	318072	Purch20060407091225
2006/04/05	10:54	DPMO	1760886	20209	ROSE VENEUA	\$50.00	\$93.42	318072	MAIL4/5/06
2006/04/03	13:38	CNTN	1758474	88015	OID:100168513-Comisar yPurch-Re	-\$57.33	\$43.42	318072	Purch20060403133555
2006/03/31	12:52	CNTN	1757239	87656	OID:100167538-Comisar yRefund-R	\$10.75	\$100.75	318072	Purch20060331120557
2006/03/27	13:03	CNTN	1754294	87494	OID:100167538-Comisar yPurch-Re	-\$59.73	\$90.00	318072	Purch20060327130213

## Account History Report

Post. Date	Post. Time	Type	Trans. #	Ref. #	From/To	Amount	Balance	Booking #	Batch ID
2006/03/20	13:02	CNTN	1750717	86896	OID:100166193-ComisaryPurch-Re	-\$59.67	\$149.73	318072	Purch20060320130126
2006/03/15	08:13	DPMO	1749203	9463684050	CINDY BUSH	\$200.00	\$209.40	318072	2MAIL3/14/06
2006/03/13	10:20	CNTN	1746920	86438	OID:100165410-ComisaryPurch-Re	-\$21.25	\$9.40	318072	Purch20060313101814
2006/03/13	08:09	CNTN	1746424	86001	OID:100164792-ComisaryRefund-R	\$9.25	\$30.65	318072	Purch20060313080726
2006/03/06	13:28	CNTN	1743530	85967	OID:100164792-ComisaryPurch-Re	-\$59.74	\$21.40	318072	Purch20060306132809
2006/03/01	08:45	CNTN	1742024	85112	OID:100161898-ComisaryRefund-R	\$2.05	\$81.14	318072	Purch20060301084500
2006/02/27	12:33	CNTN	1739800	85082	OID:100163602-ComisaryPurch-Re	-\$59.99	\$79.09	318072	Purch20060227123311
2006/02/23	08:53	CNTN	1738559	84565	OID:100161481-ComisaryRefund-R	\$5.10	\$139.08	318072	Purch20060223085303
2006/02/20	11:46	CNTN	1736094	84411	OID:100161898-ComisaryPurch-Re	-\$56.86	\$133.98	318072	Purch20060220114434
2006/02/16	09:16	CNTN	1734924	84057	OID:100160094-ComisaryRefund-R	\$1.30	\$190.84	318072	Purch20060216091141
2006/02/13	12:26	CNTN	1732856	84014	OID:100161481-ComisaryPurch-Re	-\$57.00	\$189.54	318072	Purch20060213122456
2006/02/06	12:47	CNTN	1729425	83425	OID:100160094-ComisaryPurch-Re	-\$53.47	\$246.54	318072	Purch20060206124626
<u>2006/02/01</u>	09:54	DPMO	1727935	52489762	CINDY BUSH	\$300.00	\$300.01	318072	MAIL2/1/06
2006/01/30	14:29	CNTN	1725917	82970	OID:100159433-ComisaryPurch-Re	-\$0.50	\$0.01	318072	Purch20060130142739
2006/01/24	12:09	WDCK	1724309	7802	FRANCIS R. POWERS, CLERK	-\$6.00	\$0.51	318072	01/24/2006CW
2006/01/23	13:02	CNTN	1722369	82329	OID:100157803-ComisaryPurch-Re	-\$3.90	\$6.51	318072	Purch20060123130123
2006/01/16	12:05	CNTN	1718701	81909	OID:100157312-ComisaryPurch-Re	-\$17.88	\$10.41	318072	Purch20060116115421
2006/01/09	13:09	CNTN	1715330	81235	OID:100155463-ComisaryPurch-Re	-\$36.05	\$28.29	318072	Purch20060109130839
2006/01/03	09:50	CNTN	1711950	80839	OID:100155129-ComisaryPurch-Re	-\$56.30	\$64.34	318072	Purch20060103094859
2005/12/27	09:46	CNTN	1708633	80243	OID:100153773-ComisaryPurch-Re	-\$21.75	\$120.64	318072	Purch20051227094553
2005/12/19	13:21	CNTN	1704477	79634	OID:100152374-ComisaryPurch-Re	-\$59.05	\$142.39	318072	Purch20051219132022
2005/12/12	09:42	CNTN	1700752	79270	OID:100152001-ComisaryPurch-Re	-\$53.70	\$201.44	318072	Purch20051212094045
2005/12/05	14:37	CNTN	1697534	78711	OID:100150862-ComisaryPurch-Re	-\$47.85	\$255.14	318072	Purch20051205143448
2005/12/02	09:01	CNTN	1696421	78278	OID:100149985-ComisaryRefund-R	\$1.75	\$302.99	318072	Purch20051202090011
2005/11/28	14:11	CNTN	1693953	78213	OID:100149985-ComisaryPurch-Re	-\$58.70	\$301.24	318072	Purch20051128140923
2005/11/23	08:16	CNTN	1692697	77750	OID:100148093-ComisaryRefund-R	\$3.40	\$359.94	318072	Purch20051123081551
2005/11/21	09:12	CNTN	1690389	77556	OID:100148093-ComisaryPurch-Re	-\$60.00	\$356.54	318072	Purch20051121090929
2005/11/17	10:28	WDCA	1689329		MAIL OUT PACKAGE	-\$6.72	\$416.54	318072	POST11/17/05
2005/11/14	12:54	CNTN	1686859	77040	OID:100147307-ComisaryPurch-Re	-\$59.71	\$423.26	318072	Purch20051114125312
2005/11/10	14:20	DPMO	1686183	52489692	CINDY BUSH	\$500.00	\$482.97	318072	3MAIL11/10/05
2005/11/09	13:31	ADJ	1685690		Mass. Corr. / legal	-\$10.91	-\$17.03	318072	POST11/9/05
2005/11/09	13:27	ADJ	1685678		Mail to Columbia Law School	-\$6.26	-\$6.12	318072	POST11/9/05
2005/11/07	10:23	CNTN	1683088	76555	OID:100146351-ComisaryPurch-Re	-\$14.60	\$0.14	318072	Purch20051107102135

**PLYMOUTH COUNTY CORRECTIONAL FACILITY**  
**26 LONG POND ROAD**  
**PLYMOUTH, MASSACHUSETTS 02360**

**CERTIFICATE OF INCARCERATED APPLICANTS**

I certify that Frederick Bush named herein has the sum of  
\$ 137.53 on account to his credit at Plymouth County Correctional Facility. I further certify that  
the applicant has the following securities to his credit: \_\_\_\_\_  
I further certify that during the past six months, the applicant's average balance was  
\$ 75.00.

8/30/06  
DATE

Clerk, Inmate Accounts  
SIGNATURE OF AUTHORIZED OFFICER  
Clerk